

SDAO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Thomas Burke

SUMMONS IN A CIVIL ACTION

V.

The City of New York, Dept. of Corrections
Commissioner Martin F. Horn. & John Does # 1-3

CASE NUMBER:

07 CIV 6510

JUDGE MARRERO

TO: (Name and address of Defendant)

New York City Law Department
100 Church Street
New York, New York 10007

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

The Law Office of Scott G. Cerbin, LLC
26 Court Street, Suite 810
Brooklyn, New York 11242

CITY OF NEW YORK
CLERK OF COURT
2007 JUL 19 PM 6:15

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

Maria Quintero

(By) DEPUTY CLERK

JUL 19 2007

DATE

JUDGE MARRERO

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

'07 CIV 6510

THOMAS BURKE

Plaintiffs,

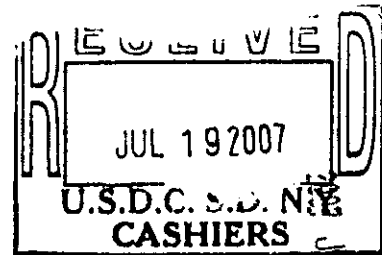
COMPLAINT

-against-

JURY TRIAL DEMANDED

THE CITY OF NEW YORK,
DEPARTMENT OF CORRECTION
COMMISSIONER MARTIN F. HORN,
and JOHN DOES #1-3.

Defendants.



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Plaintiff THOMAS BURKE, by and through his attorneys, THE LAW OFFICE
OF SCOTT G. CERBIN, LLC, complaining of the defendants herein, respectfully
shows the Court and alleges:

PRELIMINARY STATEMENT

1. This is a civil rights action in which the plaintiff, THOMAS BURKE, seeks relief for the defendants' violation of his rights secured by the Civil Rights Act of 1871, 42 U.S.C. § 1983, and of rights secured by the Fourth and Fourteenth Amendments to the United States Constitution, and of rights secured under the laws and Constitution of the State of New York. The plaintiff seeks damages, both compensatory and punitive, affirmative and equitable relief, an award of costs, interest and attorney's fees, and such other and further relief as this Court deems equitable and just.

JURISDICTION AND VENUE

2. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1343 and 42, this being an action seeking redress for the violation of plaintiff's constitutional and civil rights